

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7774**

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JOSHUA FLUELLEN,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA; FEDERAL BUREAU OF  
PRISONS; KATHLEEN HAWK-SAWYER; R. E. HOLT; DAN  
DOVE; L. FUERTES ROSARIO; J. A. SERRANO; L.  
GUEVARA,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. Henry F. Floyd, District Judge.  
(CA-03-211-3-26BC)

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Submitted: January 13, 2005

Decided: January 21, 2005

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Before WIDENER, NIEMEYER, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joshua Fluellen, Appellant Pro Se. Raymond Emery Clark, Assistant  
United States Attorney, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Joshua Fluellen appeals a district court judgment adopting the magistrate judge's report and recommendation, granting summary judgment to the United States and the remaining Defendants, and dismissing the complaint under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671-2680 (2000). We have reviewed the record, the magistrate judge's report and recommendation, and the district court's order and affirm for the reasons stated by the district court. See Fluellen v. United States, No. CA-03-211-3-26BC (D.S.C. filed July 30, 2004 & entered August 2, 2004). We dispense with oral argument because the facts and legal contentions of the parties are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED